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and Defendants/Counterclaim Plaintiffs

United Healthcare Services, Inc., UnitedHealthcare

Insurance Company; OptumInsight, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ALMONT AMBULATORY SURGERY  
CENTER, LLC, a California limited liability  
company; BAKERSFIELD SURGERY  
INSTITUTE, LLC, a California limited  
liability company; INDEPENDENT  
MEDICAL SERVICES, INC., a California  
corporation; MODERN INSTITUTE OF  
PLASTIC SURGERY & ANTIAGING, INC.,  
a California corporation; NEW LIFE  
SURGERY CENTER, LLC, a California  
limited liability company, dba BEVERLY  
HILLS SURGERY CENTER, LLC;  
ORANGE GROVE SURGERY CENTER,  
LLC, a California limited liability company;  
SAN DIEGO AMBULATORY SURGERY  
CENTER, LLC, a California limited liability  
company; SKIN CANCER &  
RECONSTRUCTIVE SURGERY  
SPECIALISTS OF BEVERLY HILLS, INC.,  
a California corporation; VALENCIA  
AMBULATORY SURGERY CENTER,  
LLC, a California limited liability company;

Case No 2:14-cv-03053-MWF(VBKx)

**DECLARATION OF KIRSTEN E.  
SCHUBERT IN SUPPORT OF  
DEFENDANTS'/  
COUNTERCLAIM PLAINTIFFS'  
RESPONSE IN OPPOSITION TO  
INDIVIDUAL COUNTERCLAIM  
DEFENDANTS MICHAEL  
OMIDI, M.D. AND JULIAN  
OMIDI'S MOTION TO  
BIFURCATE ISSUE OF  
PERSONAL LIABILITY AND  
STAY DISCOVERY**

(Superior Court of the State of  
California, County of Los Angeles,  
Central District Case Number:  
BC540056)

1 WEST HILLS SURGERY CENTER, LLC, a  
California limited liability company,

2 PLAINTIFFS,

3 v.

4 UNITEDHEALTH GROUP, INC.; UNITED  
5 HEALTHCARE SERVICES, INC.,  
6 UNITEDHEALTHCARE INSURANCE  
COMPANY; OPTUMINSIGHT, INC., AND  
DOES 1 THROUGH 20,

7 Defendants.  
8  
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10 UNITED HEALTHCARE SERVICES,  
11 INC.; UNITEDHEALTHCARE  
12 INSURANCE COMPANY;  
OPTUMINSIGHT, INC.,

13 Counterclaim Plaintiffs,

14 v.

15 ALMONT AMBULATORY SURGERY  
CENTER, LLC, a California limited liability  
16 company; BAKERSFIELD SURGERY  
INSTITUTE, LLC, a California limited  
17 liability company; BEVERLY HILLS  
SURGERY CENTER, LLC;  
18 INDEPENDENT MEDICAL SERVICES,  
INC., a California corporation; MODERN  
19 INSTITUTE OF PLASTIC SURGERY &  
ANTIAGING, INC., a California  
corporation; NEW LIFE SURGERY  
20 CENTER, LLC, a California limited liability  
company, dba BEVERLY HILLS  
21 SURGERY CENTER, LLC; ORANGE  
GROVE SURGERY CENTER, LLC, a  
22 California limited liability company; SAN  
DIEGO AMBULATORY SURGERY  
23 CENTER, LLC, a California limited liability  
company; SKIN CANCER &  
24 RECONSTRUCTIVE SURGERY  
SPECIALISTS OF BEVERLY HILLS,  
25 INC., a California corporation; VALENCIA  
AMBULATORY SURGERY CENTER,  
26 LLC, a California limited liability company;  
27 WEST HILLS SURGERY CENTER, LLC,  
a California limited liability company,  
28 KAMBIZ BENJAMIN OMIDI (A/K/A

Hearing

Date: Monday, February 2, 2015

Time: 10:00 a.m.

Courtroom: 1600, 16th Floor, 312 N.  
Spring Street

Discovery cutoff: None set

Pretrial Conference Date: None set

Trial Date: None set

JULIAN OMIDI, COMBIZ OMIDI,  
KAMBIZ OMIDI, COMBIZ JULIAN  
OMIDI, KAMBIZ BENIAMIA OMIDI,  
JULIAN C. OMIDI); MICHAEL OMIDI,  
M.D.; ALMONT AMBULATORY  
SURGERY CENTER, A MEDICAL  
CORPORATION; BAKERSFIELD  
SURGERY INSTITUTE, INC.; CIRO  
SURGERY CENTER, LLC; EAST BAY  
AMBULATORY SURGERY CENTER,  
LLC; SKIN CANCER &  
RECONSTRUCTIVE SURGERY  
SPECIALISTS OF WEST HILLS, INC.;  
VALLEY SURGICAL CENTER, LLC;  
TOP SURGEONS, INC.; TOP SURGEONS,  
LLC; TOP SURGEONS LLC (NEVADA);  
WOODLAKE AMBULATORY;  
PALMDALE AMBULATORY SURGERY  
CENTER, A MEDICAL CORPORATION;  
1 800 GET THIN, LLC; SURGERY  
CENTER MANAGEMENT; DOES 1-200,

Counterclaim Defendants.

I, Kirsten E. Schubert, declare as follows:

1. I am an associate at the law firm of Dorsey & Whitney LLP, attorneys  
for UnitedHealth Group, Inc., United Healthcare Services, Inc., United Healthcare  
Insurance Company, and OptumInsight, Inc. (collectively “United”) in the above-  
captioned action. I make this Declaration in support of United’s Memorandum of  
Points and Authorities in Opposition to the Motion to Bifurcate and Stay filed by  
Individual Counterclaim Defendants Michael and Julian Omid. This Declaration  
is based on personal knowledge, and I would be able to testify to the facts stated  
herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of “Michael  
Omid, M.D. and Julian Omid’s Response to Defendant’s/Counterclaim Plaintiffs’  
First Request for Documents,” dated December 8, 2014.

3. Attached hereto as **Exhibit 2** is a true and correct copy of “Michael  
Omid, M.D. and Julian Omid’s Response to Defendants’/Counterclaim Plaintiffs’

1 First Set of Interrogatories to Plaintiffs/Counterclaim Defendants,” dated  
2 December 8, 2014.

3 4. Attached hereto as **Exhibit 3** is a true and correct copy of “Michael  
4 Omidi, M.D. and Julian Omidi’s Response to Defendants’/Counterclaim Plaintiffs’  
5 First Set of Requests for Admission,” dated December 8, 2014.

6 5. Attached hereto as **Exhibit 4** is a true and correct copy of “Plaintiffs  
7 and Counter-Defendant Providers’ Responses to United Defendants’/  
8 Counterclaimants’ First Request for Documents,” dated December 8, 2014.

9 6. Attached hereto as **Exhibit 5** is a true and correct copy of “Plaintiffs  
10 and Counter-Defendant Providers’ Responses to United Defendants’/  
11 Counterclaimants’ First Set of Interrogatories,” dated December 8, 2014. Certain  
12 information on pages 8-9 has been redacted as confidential.

13 7. In the course of the meet and confer process relating to United’s First  
14 Request for Documents and First Set of Interrogatories, the Providers have  
15 objected to producing certain categories of documents as outside their possession  
16 and control, stating that many of the paper files previously maintained by the  
17 Provider Counter-Defendants have been seized by the government, which still has  
18 them.

19 I declare under penalty of perjury under the laws of the United States of  
20 America and the State of California that the foregoing is true and correct.

21  
22 Dated: January 12, 2015

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24 By: s/Kirsten E. Schubert  
25 KIRSTEN E. SCHUBERT  
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